

# A Conference Summary on Cooperation Over Underwater Cultural Heritage Protection in the Taiwan Strait

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The “*Treaty on Protecting Underwater Cultural Heritage*” was passed by UNESCO in November, 2001 and became effective in January, 2009. Although Beijing has not approved the Treaty, relevant government agencies are studying perfection of the laws. Government officials in Taipei are also studying the matter. Given this background, a “Conference on cooperation for underwater cultural relics protection in Taiwan Strait”, which was held on June 26—27, 2010. Cosponsors included the *China Oceans Law Review*, Oceans Policy and Law Center of Xiamen University, the Oceans Law and Policy Research Center of Shanghai Jiao Tong University, C. Y. Tung’s International Centre for Maritime Studies of Hong Kong Polytechnic University, and the National Sun Yat-sen University Institute of Marine Affairs in Taiwan. Eighteen experts from both sides of the strait, held in-depth discussions at Lecture Hall 117 of R. C. Chen’s Building. The Oceans Law and Policy Research Center at the KoGuan Law School, Shanghai Jiao Tong University summarized the opinions of the participating experts and those expressed in related studies. They issued a general statement on cooperation over underwater cultural relics protection in the Taiwan strait for future reference.

## Introduction

As a component of human culture heritage, underwater cultural heritage plays an important role in human history. UNESCO held its 31<sup>st</sup> meeting in Paris between October 15 and November 3, 2001. It passed the “*Convention on*

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*the Protection of the Underwater Cultural Heritage*”, which became effective on January 2, 2009. This Convention defines underwater cultural heritage as the vestiges human existence and activities that are valuable culturally, historically or archeologically. These vestiges and sites must be periodically or continually, partially or completely under water and have existed for at least 100 years. These include abandoned sites, architecture, art works, human remains, ships, aircraft, and natural environments.

As a country with one of the longest cultural histories in the world, China's attitude toward the “*Convention on the Protection of the Underwater Cultural Heritage*” has been closely watched by other countries. Cross-strait peace and friendship are facilitating further cooperation in the protection of our underwater cultural heritage. It is enabling the establishment of long-term protection mechanisms, the raising of public awareness, and the promotion of relevant scientific research and educational activities.

## **I . The current status of underwater relics in the Taiwan Strait**

### *A. Recent developments in underwater archeology in Taiwan*

Taiwan is situated between the largest continent and the largest ocean in the world. It is also a contact zone for eastern and western civilizations. Taiwan is where continental and oceanic civilizations have converged. Many traded porcelains of the Song-Yuan Dynasties and Ming-Qing Dynasties have been uncovered in Taiwan and Penghu. At the “Thirteen Lines” site in northern Taiwan, porcelains from mainland China, coins from the Tang-Song Dynasties, iron tools and glass beads from the Philippines and Sarawak in southeast Asia, have been excavated. These indicate frequent trade activities in the “Asian Mediterranean Sea”, including the South China Sea, Taiwan, Penghu, Southeast Asia, Japan, and Korea. Fishing, trade, immigration, planting, reclamation, and fighting for marine rights, have taken place repeatedly in this vast region of the sea since time immemorial. <sup>①</sup>

Coral reefs, strong monsoons and high sea with giant waves have made the

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① Lee Lifang, Protection Policy and international cooperation on underwater cultural resources in Taiwan, in convention on Protection and Cooperation of Underwater cultural relics in Taiwan Strait, Shanghai, pp. 2-3.

Taiwan Strait the site of frequent shipwrecks. To archeologists, Taiwan strait is an excellent place to study underwater archeology. The underwater archeological resources include sites where Paleolithic human activities were imprinted, where post-glacial Neolithic communities were submerged, and where many ancient shipwrecks occurred. The history of Taiwan is closely related to the ocean. Therefore studying underwater archeology is one of the best ways to understand marine cultural development in Taiwan. <sup>①</sup>

Protection of underwater cultural resources is a global trend. Taiwan is surrounded by water, and has an abundant underwater cultural heritage. Effective protection and management of these relics are essential, to avoid their removal or damage by fishermen and divers. Laws and regulations based on relevant ocean policy and the “Development Plan on Protection of Underwater Cultural Resources” are being actively promoted on Taiwan. The historic data is being studied, and underwater archeological surveys are also being conducted.

Between 2006 and 2009, authorities conducted a survey of the Penghu area's underwater cultural heritage. The survey was part of a preliminary survey of the underwater cultural heritage in the waters surrounding Taiwan. The initial survey concentrated on shipwrecks and other archeological sites over 100 years old. But many wars were fought in Penghu waters during late Qing Dynasty and in the early twentieth century. Those shipwrecks and aircraft are less than 100 years old. But they have important implications for the history of recent wars. Therefore they were also included in the survey. <sup>②</sup>

The underwater cultural relics recovered must undergo evaluation, based primarily on relics recovered internationally, and on the characteristics of underwater cultural relics in Taiwan waters. Evaluation standards must be drafted that address the underwater cultural heritage recovered from Taiwan waters. At this will enable it to serve as a basis for future protection and treatment of the underwater cultural heritage. <sup>③</sup>

Discovered objects are evaluated based on previously discovered results and the value of other countries' shipwreck evaluation standards. These stand-

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① Lee Lifang, Protection Policy and international cooperation on underwater cultural resources in Taiwan, in convention on Protection and Cooperation of Underwater cultural relics in Taiwan Strait, Shanghai, pp. 2-3.

② Dai Zhenhua, Development of Underwater Archeology in Taiwan, in conference on cooperation of Underwater Cultural Relics Protection, Shanghai, p. 10.

③ Dai Zhenhua, Development of Underwater Archeology in Taiwan, in conference on cooperation of Underwater Cultural Relics Protection, Shanghai, p. 10.

ards include the shape and structure of the ship, cultural venation, exhibition statement, sightseeing economy and the integration of information. Evaluation of the discovered objects has yielded 23 sites with specific targets. Twenty-one sites had shipwrecks and scattered parts. The remaining two included, respectively torpedo-like objects and iron oil tanks. Standard cultural heritage evaluation yielded two shipwrecks from China from the Ming-Qing Dynasties, one from England from the 19th century, six from Japan (two from the 19th century, and four warships from the World War II period).<sup>①</sup>

Underwater archeology and the protection of our underwater cultural heritage requires complex technology, considerable manpower, and generous funding. The approach on Taiwan is to form underwater archeological teams with expertise in the field. Archeologists now have the ability to protect survey, excavate, and study uncovered cultural relics. More experience is required, especially in accurately detecting objects in deeper water. By following such rules and laws, the studies will promote international cooperation and public participation. Information and education is required to protect our underwater cultural heritage.

### *B. Underwater archeological discoveries and related problems along the Fujian coast*

Fujian Province is located at the southeast coastal zone of China and to the west of the Taiwan strait. It is one of the principal sections of the so-called "Silk Road of the Sea". In this region, the coastline is long and irregular, with abundant coral reef islands. Strong tidal currents, meandering shipping channels, monsoon winds, and frequent typhoons have caused large numbers of shipwrecks and the accumulation of abundant underwater cultural relics.<sup>②</sup>

The Underwater Archeology Research Center of the National Chinese Museum and the Institute of Archeology of the Fujian Museum have been cooperating since 2007. These institutes have organized underwater archeology professionals from all over the country to conduct selected surveys at Zhangzhou, Pu-

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① Dai Zhenhua, Development of Underwater Archeology in Taiwan, in conference on cooperation of Underwater Cultural Relics Protection, Shanghai, p. 10

② Li Jianhua, New discovery from surveys for underwater cultural relics along Fujian coastal zone and related problems (2007—2010), in Conference on Cooperation of Underwater Cultural Relics Protection, Shanghai, p. 10.

Putian and Fuzhou, where underwater cultural relics are known to be located. They have discovered a number of important underwater cultural heritage sites.

Underwater cultural relics in the coastal Zhangzhou area are mainly located near the Dongshan, Zhangpu and Longhai areas, where several sites and relics have been discovered. They include Longhai Banyang Reef No. 1, a Song Dynasty shipwreck site, Banyang Reef No. 2, a Song Dynasty shipwreck site, Shazhou island, a Yuan Dynasty shipwreck site in the Zhangpu area, underwater relics from the Qing Dynasty at Longhai Baiyu, and underwater relics from the Qing Dynasty at Longhai Jiuji Reef. The underwater cultural heritage in the Putian area is distributed along Meizhou Bay and Xinghua Bay, where relics from the Song Dynasty, called Dongwumen Xiazai were discovered, and where relics from the Yuan Dynasty, called Meizhou Bay Wenjia Dayu were also discovered. The Putian area also includes a shipwreck site from the Qing Dynasty at Dazhu island in Meizhou Bay, a shipwreck site from the Song Dynasty, named North Turtle Reef No. 1, at Nanri island, another shipwreck site from the Yuan Dynasty, named North Turtle Reef No. 2, and another, fourth shipwreck from the Ming Dynasty, named North Turtle No. 3. Also included are the Beiriyuan No. 1 shipwreck site from the Song Dynasty, and Qing Dynasty relics from the Beiriyuan No. 2 shipwreck site, the Beiriyuan No. 3 shipwreck from the Qing Dynasty and the Beiriyuan No. 4 shipwreck from the Yuan Dynasty. The underwater cultural heritage in Fuzhou area is mainly distributed along Pingzhang coastal sea. The sites discovered include a shipwreck from the “Five Dynasties” at Pingzhang Fengliu weiyu, shipwrecks from the Song Dynasty at Dalian Island, and shipwrecks from the Song-Yuan period at Xiaolian Island, the shipwrecks of the Yuan Dynasty at Dalian island, and another shipwreck from the Ming Dynasty at Jiuliang Reef. This area includes the site where the “Donghai Pingzhang Bowl Reef No. 1” shipwreck during Qing Dynasty occurred, and the site where the relics from the “Bowl Reef No. 2” were uncovered.<sup>①</sup>

Related questions include: (1) Distribution pattern of the underwater cultural heritage; (2) Serious threats to the underwater cultural heritage; (3) How to protect the underwater cultural heritage; (4) The laws and regulations

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① Li Jianhua, New discovery from surveys for underwater cultural relics along Fujian coastal zone and related problems (2007—2010), in Conference on Cooperation of Underwater Cultural Relics Protection, Shanghai, p. 10.

governing the survey and discovery of the underwater cultural heritage; (5) Protection and utilization of the underwater cultural heritage.<sup>①</sup>

## **II. Comparison and perfection of the law relating to underwater cultural heritage protection across the Taiwan Strait**

### *A. “Management Regulation for Protection of Underwater Cultural Heritage” issued by P. R. C in 1989*

This law was issued and became effective on October, 20, 1989. Regulation of No. 7 of the law states that the purpose for archeological exploration and excavation of the underwater cultural relics is to protect and scientifically study them. Any individual or organization that intends to conduct archeological exploration or excavation for underwater cultural relics within the jurisdiction of China, must apply for permit from the National Bureau of Cultural Relics and provide relevant information. Without such a permit from the Bureau, no individual or organization may carry out exploration or excavation by any means or any methods.

Any foreign country, international organization, foreigner by nature or by law that intends to conduct archeological exploration or excavation for underwater cultural relics in any area under Chinese jurisdiction must seek cooperation with China to proceed. The application submitted to the National Bureau of Cultural Relics must be forwarded to the National Affairs Office for approval.

### *B. The “Cultural Heritage Protection Law” and its “Detailed Application Rules” in Taiwan*

According to Regulation 46 of the “Cultural Heritage Protection Law”, foreigners are not allowed to survey or excavate any heritage site within the land and ocean areas of Taiwan. However, those in collaboration with domestic research and professional organization are not restricted when they are ap-

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① Li Jianhua, New discovery from surveys for underwater cultural relics along Fujian coastal zone and related problems (2007—2010), in Conference on Cooperation of Underwater Cultural Relics Protection, Shanghai, p. 10.

proved by the agency of the Central government in charge.

The revised rules of the “Cultural Heritage Protection Law” were declared effective on June 15, 2010. Rule No. 3 Section 2 defines relics as: (1) Cultural relics such as stone tools, ceramics, carved bones, shell tools and wooden or metallic tools produced and used by human beings; (2) Natural remains, such as animals, plants, rocks, soils or paleontological fossils related to the human ecological environment. The archeological sites refer to non-movable structures or traces due to human activities in the past. The relics and remained sites cover both on land and underwater spaces.

### C. “Draft of Underwater Cultural Heritage Protection Law” in Taiwan

This Draft was revised on June 3, 2010, based on the fifth review meeting by the regulatory committee. Rules of Art. 1, 5 and 11 were revised as follows:

*Art. 1 The purpose of this law is to protect and manage the underwater cultural heritage, to serve as a connection between citizens and history, and to strengthen the characteristics of a maritime nation.*

*Art. 5 Activities involving the underwater cultural heritage should protect, manage or study underwater cultural heritage and uphold the in site principle.*

*Art. 11 In order to protect the underwater cultural relics, government agencies or public enterprises must survey the site for possible underwater cultural relics before conducting any underwater activities. If any discoveries are made, they must be reported to the agency in charge...*

In-situ protection and international cooperation are enhanced to avoid commercial development and to enable one to trace its historical background.

Based on the “Underwater Cultural Heritage Protection Agreement” and related regulations, as well as the laws for underwater cultural heritage protection and law enforcement across the Taiwan Strait, the following seven areas will be promoted.<sup>①</sup>

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① Lee Lifang, Protection Policy and international cooperation on underwater cultural resources in Taiwan, in convention on Protection and Cooperation of Underwater cultural relics in Taiwan Strait, Shanghai, pp. 2-3.

(a) Ensure that the agency in charge maintains law and order. The “Underwater Cultural Heritage Protection Agreement”, item No. 22 requires that each country that has signed the agreement must have an agency in charge of underwater cultural heritage. The name and address of this agency should be reported to UNESCO to enable the cataloging, editing, preserving, and reviewing of tasks, and so that the underwater cultural heritage will be effectively protected, preserved, exhibited, managed, and developed for the purpose of research and education. It is important to put an agency in charge of the underwater cultural heritage. The underwater cultural heritage in mainland China is under the direction of the Underwater Archeological Center established by the Museum of Chinese History. It is sponsored by the Cultural Heritage Bureau of the Central Government. Underwater archeological work stations have also been established at Yangjiang in Guangzhou City, Qingdao in Shangdong Province, Ningbo, and Zhoushan in Zhejiang Province. The underwater cultural heritage on Taiwan is under the direction of the Culture and Information Division of the Culture Construction Council, in accordance with the laws for cultural heritage protection. To promote the laws and regulations for underwater cultural heritage protection in mainland China, the relevant laws include the “Cultural Relics Protection Law”, which went into effect in 1981, and the “Management Rules for Underwater Cultural Relics Protection”, which went into effect in 1989. In accordance with recent international developments, the “Cultural Relics Protection Law” was revised by the Cultural Heritage Bureau. It is now based on rules for detailed operations, which regulate archeological exploration and the excavation of underwater cultural relics. The relevant tasks must be conducted in accordance with the spirit of the “Underwater Cultural Heritage Protection Agreement”. On Taiwan the “Underwater Cultural Heritage Protection Law (Draft)” was based on many countries’ experience with the the “Underwater Cultural Heritage Protection Agreements,” and with reference to major trends in the international community. Regarding budgeting for underwater cultural heritage protection, the fixed fund for underwater archeology has been gradually increased to more than 10 million RMB on mainland China. Advanced facilities have been purchased in recent years. On Taiwan twenty million NTD has been budgeted each year for general surveys, research, and related tasks. Facilities for exploration, recovery, repair and protection of underwater heritage sites and relics have been gradually purchased.

(b) Promoting general surveys of the underwater cultural heritage and the establishment of a data bank. Item 6 of the “Underwater Cultural Heritage



Protection and Management Charters” in 1996 requires that all the members of the team for underwater heritage survey must be qualified and experienced. Any invasive survey must be conducted under the supervision and direction of a well known, qualified and experienced underwater archeologist. Since the mid 1980s, underwater cultural heritage surveys have begun in China along the coastal zone of Fujian and Guangdong province and Xisha Island. More than 100 sites have been discovered. The special promotion program during the third national cultural heritage survey focused on the seas, rivers and lakes of the inland area during 2007. This was the first national survey of our underwater cultural heritage. Guangdong, Hainan, Fujian, Zhejiang, Shandong and Liaoning provinces have begun surveys. The underwater cultural heritage survey on Taiwan was conducted in 2006 by the Academia Sinica, and sponsored by the Center for Cultural Heritage Protection and Research, which belongs to the Council of Culture Reconstruction. The survey and uncovering of ancient shipwrecks in Magong Harbor in the Penghu area also trained scientists in the research and preservation of our underwater cultural heritage. Programs for promoting our underwater cultural heritage, preservation and development on Taiwan include “History Study on Underwater Cultural Heritage in the Sea around Taiwan” and “Establishment of GIS for Archeological Sites of Taiwan”. The promotion of international cooperation and the construction of a data bank has significant implications for the affected countries.

(c) Technological development and international cooperation for underwater archeological survey and excavation. Article 21 of the “Underwater Cultural Heritage Protection Agreement” recommends cooperation among the countries that have signed the agreement for technology exchanges and training for underwater cultural heritage protection. Based on the negotiated conditions, technology exchanges or transfers may take place in underwater cultural heritage study and protection. This will improve the technology for underwater archeological survey and establish evaluation standards for our cultural heritage.

(d) Preservation, repair and international cooperation for recovered relics. Procedures and protection protocols for recovered relics must be established, and technology for preservation and repair of the relics must be developed.

(e) Protection, management and reuse of underwater relics. Article 10 of the “Underwater Cultural Heritage Protection and Management Charter” details responsibilities during the management of underwater heritage sites as well as their supervision and protection. We must promote a public approach to underwater cultural heritage protection, unless it conflicts with the require-

ments for their protection and management. Article 14 of the Charter promotes public awareness of calls for the underwater cultural heritage. Public awareness should be promoted through the media using easily understandable language. We should also promote cooperation with community organizationism museums, and related agencies. The 1999 “International Sightseeing Charter” urges communication among managers of the cultural heritage, local residents and foreign visitors. Domestic and international tourism has become the main medium for cultural exchange, but cultural tourism must be regulated to avoid any damage to the cultural relics. It must also be beneficial to local residents and the community. The goals and general rules of the “Underwater Cultural Heritage Protection Agreement” specify that before conducting any underwater cultural heritage activity, one must first to protect it in-situ. Any development activity for commercial purpose is prohibited. The underwater cultural heritage must be designated a protected site and must be managed, maintained, and reuse.

(f) Training of professionals for underwater cultural heritage and international cooperation. The “Underwater Cultural Heritage Protection Agreement” stresses the importance of training underwater archeological professionals. Article 21 of the Agreement proposes cooperation among countries to train underwater archeological professionals so that their experience can be passed on to others. Underwater archeological professionals must be scientifically and technically trained. They must be mentally and physically fit. They must be experienced in terrestrial archeology. Underwater archeology professionals are currently in short supply. Therefore amateur underwater archeologists and divers can play limited roles after professional training. The training of underwater archeology professionals is conducted by the Underwater Archeology Research Center of the National Museum in China. A training base for underwater archeology research at the national level was established at Hailing Island, Guangdong Province in 2001, and approved by the National Bureau of Cultural Relics. Further excavations and surveys for underwater relics were also conducted with Vessel Nanhai No. 1. Mainland China has accumulated considerable experience in underwater archeology over the past 20 years. However, many of these professionals are too old to participate in underwater archeological work. When underwater archeological excavation and rescue is required, those temporarily drafted often have other commitments. Underwater cultural heritage protection was initiated by the Bureau of Cultural Heritage of the Council for Cultural Reconstruction on Taiwan. The training of professionals

for the protection, maintenance, and management of underwater archeological work has been planned and conducted aggressively. But the work load for those conducting general surveys is too heavy, making the training professionals difficult. Therefore it is necessary to establish an underwater archeological center of Asian or world level to promote and raise the training for more professionals.

(g) Extension of underwater cultural heritage education. Article 20 of the “Convention on the Protection of the Underwater Cultural Heritage ” stresses that all means available should be used to increase public awareness of the value of our underwater cultural heritage. We must recognize the importance of heritage protection. Everyone should learn how to protect our underwater cultural heritage, just as if they were customs inspectors. The public must be educated about our underwater cultural heritage in order to protect mankind’s common heritage. A variety of methods may be used to educate the public, including international cooperation.

### **III. Long-term Cooperation Mechanism for Underwater Cultural Heritage Protection in the Taiwan Strait**

According to the “Underwater Cultural Heritage Protection Agreement”, each country must be responsible for the protection of its underwater cultural heritage. The purpose of the agreement is to ensure the protection of this heritage. It urges cooperation among countries that have signed the agreements to commit to underwater archeology and protection technology, and for the exchange and training of professionals. Cooperation on the technology of underwater cultural heritage protection and research should be based on the terms negotiated.

The cultural across the strait has the same root and origin, and underwater cultural relics belong to common human heritage, which is a part of inseparable culture. The cooperation across the strait on underwater cultural heritage protection should be based on principles of exchange, mutual trust, cooperation and win-win condition.

(a) To promote education on marine culture, the “Foundation for marine cultural research and development” should be established by both sides in addition to currently existent foundations to provide scholarships and research funds for application by both sides to encourage young people who are interested in marine culture to learn from each other. Research projects may be sub-

mitted by scholars or professionals to apply for support.

(b) Drafting a “White paper on cultural cooperation and protection across the strait”. There are seven topics on marine culture that need to be addressed: Non-establishment of marine history in perspective; Lack of marine cultural heritages; Senselessness in marine culture; Negligence of marine culture; Lack of in-depth marine education; Non-realization of marine culture in life; and The need to establish an educational system for marine culture. Four major strategies have been adopted in Taiwan: Reconstruction of marine history images; Preservation and spreading of marine culture; Formulation of marine life perception; and Creation of marine space characteristics.

(c) To enrich the laws on underwater cultural heritage protection. Based on Item 40 of the “Law on Underwater Cultural Heritage Protection (Draft)”, those who have contributed to the protection and management of underwater cultural heritage and those who have committed activities on various underwater cultural heritage with permission, the agency in charge should offer reward or financial support.

(d) Cooperation on test-point marine archeology. Academic conferences across the strait can be held regularly to enhance research cooperation between two sides and many sides and to initiate cooperation on technology for restoration of ancient ships.

(e) Enhancement of marine cultural and historical exchange and research. Conference on literature and historical data exchange may be held regularly in order to establish the shared mechanism on rare, ancient books and painting.

(f) Enhancement of training and cooperation on underwater archeology staff across the strait. Training and practice of underwater archeology staff may be conducted by both sides cooperatively. Cooperation on research, exploration, fishing and protection of underwater artifacts maybe proceeded at suitable time. Files of professionals on underwater cultural heritage may be established to strengthen connectivity.<sup>①</sup>

(g) Establishment of long-term effective cooperation mechanism for underwater cultural heritage protection in Taiwan strait. (1) People across the strait should protect and preserve underwater cultural relics in Taiwan Strait and adjacent areas jointly to reach a basic consensus; (2) Cooperation in any

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① Chiu Wenyan, Environmental Assessment and underwater cultural heritage protection at Taipei harbor, in Cooperative conference on Underwater Cultural Heritage Protection in Taiwan Strait, Shanghai, pp. 13-17.

feasible way to conduct underwater cultural relics may be proceeded; (3) Cooperation on law dealing with underwater cultural heritage after the “Underwater Cultural Heritage Protection Agreements” becomes effective for both sides. (4) Concerning the underwater cultural heritage in South China Sea (Those island groups), both sides should seek some suitable areas or spots for cooperation. These should avoid military-sensitive areas; (5) Cooperation and exchange across the strait on relevant subjects of the underwater cultural heritage should be advanced. For example, the conference may be held once in two years, and sponsored alternatively by both sides. During this time, promotion of relevant education can be strengthened, for example, by encouraging exchange among young people, and encouraging non-official power such as archeological society, to participate in public education and training, etc.

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